

*File*

Executive Director/Chairman's Report: August 24, 1995

1. Call to Order/Roll Call: Margit
2. Report on Closed Session. Pat: State that a closed session was held to allow legal counsel to update the Commission on the status of two lawsuits brought against the Commission....
3. Minutes of July 27, 1995: Ask for corrections; need MOTION and SECOND; voice vote.
4. Chairman's Report:

Upcoming Delta Events:

\* Walnut Grove Catfish Jubilee, Sunday, August 27, includes a 5 mile run, catfish races, kid's fishing derby, and cajun music.

\* Pittsburg Seafood Festival, September 9 & 10: speedboat races, water ski demonstration; food from 50 restaurants, entertainment.

\* Coastal/Shoreline Clean Up Day, Saturday, September 23.

\* Antioch Rivertown Jamboree, September 23 and 24: music, classic car show, carnival, all to benefit community non-profit groups.

Report on August 16 BDAC meeting?

5. Report from Levees Subcommittee:
6. Attorney General's Reports: Call on Rick Frank
7. Executive Director's Report:

\* Mailing Packet:

Memo re Shoreline Clean Up Day.

Meeting Schedule for 1996; continues existing pattern: last Thursday evening of the month; at 6:30 p.m. in Jean Harvie Community Center.

Workshop sponsored by CWA and DU on Water Rights for Waterfowl/Duck Clubs; Friday, September 8, at U.C. Davis.

Workshop sponsored by SWRCB on Water Right Decision to Implement Requirements for the Bay and Delta, of August 29 & 30, and September 18 & 19 in Sacramento.

Copy of letter sent in support of a Trumpeter Swan project on Staten Island, approved by Chairman McCarty. Copy of Draft Report on Proposed Export of Tertiary Treated Wastewater from the Bay Area to the Delta Area; discusses a number of topics associated with the Commission's adopted policy re: disposal of treated wastewater, plus information about the San Luis Drain.

\* Error in Plan: Bethel Island is shown on the map as part of the Primary Zone; it is not, it is in the Secondary Zone.

\* DU Grants program: Met with Jack Payne and Mike Bias and expressed dissatisfactions of the Commission regarding this year's grants program. They have agreed, if funds are received for a second year of grants, to work with a Subcommittee of the Commission to develop a different process and program, reflecting the Commission's concerns within the limitations of the grant funds.

\* First CALFED workshop: outline problems; will pass on to the Commission when a summary is prepared.

\* Settlement of suit regarding toxics from the Penn Copper and Zinc Mine; just last week, a settlement was announced stating that a plan to clean up the mine, now owned by East Bay MUD, will be prepared by EBMUD and the SWRCB. The site currently drains into Camanche Reservoir and from there into the Mokelumne River and then the Delta.

NOTE: The news reports of the settlement include discussion of a \$250,000 grant for a citizens' project to monitor Delta waterways for pollution sources, diversion channels without protective fish screens, and illegal fishing practices. The monitoring program will be similar to that of the San Francisco BayKeeper in San Francisco and is part of an agreement between EBMUD, the San Francisco Baykeeper, the Committee to Save the Mokelumne, and the Sportsfishing Protection Alliance. I have initiated discussions to have the Commission informed about any proposed program.

8. Pending Permits Memo: Any questions or comments for staff?

9. High Waters:

You have before you a staff report dated August 11 entitled "Notes on Meeting with Coast Guard Regarding Control of Vessels on Unusually High Waters". As you recall at the April meeting the Commission received a staff report on the issue of unusually high waters in the Delta during boating season. There was concern that this unusual situation could have an adverse impact on upper levees. The Commission asked staff to pursue ways to address this issue.

A letter dated May 25, 1995, was sent to the Corps and the Coast Guard; a copy is attached to the staff report. Only the Coast Guard responded; a meeting was held on June 23, 1995. The staff report summarizes that meeting, and the suggestions from the Coast Guard. The Coast Guard suggests that this is an appropriately local issue and has offered to help to carry out local government actions.

PAT: Summarize comments of the Levees Subcommittee.

Ask for questions from the Commission regarding the staff report.

Ask if there are questions from the public.

Bring the matter back to the Commission for discussion.

If a consensus for action is reached; need MOTION and SECOND; voice vote.

10. Future of the Commission:

To start the Commission discussion, Chairman McCarty asked that I review the Commission's current mandate as outlined in the Delta Protection Act.

The Act, approved by the Legislature in the summer of 1992 and signed into law by the Governor on September 23, 1992, was the culmination of many months of meetings and public hearings on the need for regional planning in the Delta area and debate on the nature of how planning and oversight should be carried out.

The Legislature in passing the legislation recognized the Delta as a natural resource of statewide, national, and international significance, and stated it is the policy of the State to recognize, preserve, and protect the resources of the Delta for the use and enjoyment of current and future generations.

The Act lists three basic goals of the State for the Delta:

1. Protect, maintain, and where possible, enhance and restore the overall quality of the Delta environment, including, but not limited to agriculture, wildlife habitat, and recreational activities.
2. Assure orderly, balanced conservation and development of Delta land resources.
3. Improve flood protection by structural and nonstructural means to ensure an increased level of public health and safety.

The Act outlines the powers and duties of the Commission. These include:

- \* meet monthly: DONE
- \* adopt rules, regulations and procedures for organization and operation: DONE
- \* appoint agricultural, environmental and recreational advisory committees: DONE
- \* appoint subcommittees or other advisory committees: DONE
- \* establish and maintain an office in the Delta: DONE
- \* appoint an executive director: DONE
- \* may promote, facilitate, and administer the acquisition of voluntary private and public wildlife and agricultural conservation easements in the Delta; Met with non-profit groups, participated in San Joaquin County Habitat Conservation Plan process; accepted easement on a channel island near Staten Island.
- \* may apply for and accept federal grants or other federal funds and receive gifts, donations, rents, royalties, state funds derived from bond sales, the proceeds of taxes or funds from any other state revenue sources, or any other financial support from public or private sources: NO
- \* prepare and adopt and thereafter review and maintain a comprehensive long-term resource management plan for land uses within the Primary Zone of the Delta: DONE
- \* review appeals filed by "aggrieved persons" regarding actions taken by local governments in implementing the regional plan: DONE; only one appeal filed.

\* submit an annual report to the Governor and the Legislature describing the progress in achieving the objectives of the Act, including: DONE; developing GIS system to aid in monitoring changes in the categories:

- preserving agricultural lands.
- restoring Delta habitat.
- improving levee protection and water quality.
- providing increased public access and recreational opportunities.

\*\*\*\*\*

The Act provides that the Commission shall be abolished as of January 1, 1997, and if provided for by the Legislature, a successor agency shall administer this division on and after that date.

\*\*\*\*\*

If we go back to the original three basic goals, the first goal to "Protect, maintain, and where possible, enhance and restore the overall quality of the Delta environment, including, but not limited to agriculture, wildlife habitat, and recreational activities", the Commission has been monitoring these actions, but otherwise not been active to date and could be carried out at least partially through an easement program.

The second goal, "Assure orderly, balanced conservation and development of Delta land resources", should be addressed by the adoption of the Plan by the Commission, the local government general plan amendments, and the appeal process.

The third goal, "Improve flood protection by structural and nonstructural means to ensure an increased level of public health and safety" is an area where the Commission has been involved and incorporated policies, but there is substantial additional action needed.

\*\*\*\*\*

The Commission received a substantial background report prepared by the Attorney General's office in a role as a consultant to the Commission. That report outlined a number of options for implementation of the Act. The options in the report are summarized in the adopted Plan and reproduced in the staff report, pages 3 through 7.

\*\*\*\*\*

In addition, I included in the staff report two memos regarding funding. If the Commission determines that the Commission should continue past the January 1, 1997 date, one challenge will be funding. The enclosed letter outlines the two options for developing long-term funding for the Commission which the Commission adopted and forwarded to the Governor and the Legislature as required in the Act; neither were acted upon. The last memo is a "creative" listing of a wide variety of ideas for

funding I generated for discussion by the Budget and Finance Subcommittee. None of these ideas were adopted by the Committee, nor forwarded to the Commission. This was included only as a means of stimulating discussion.

PAT: Call for questions on my presentation.

Ask for input/comments from the public.

Open the Commission discussion. You may want to focus on these issues:

1. Should the Commission continue beyond January 1, 1997?
2. If yes, should the Commission's make-up be changed?
3. If yes, should the Commission's work be changed?
4. If yes, should the Primary Zone be changed?
5. If yes, should there be a specific extension (e.g. 5 years), an extension until certain goals are met (e.g. conservation easements over a certain percent of ag lands), or a permanent extension?
6. If yes, how should the Commission be funded?
7. If NO, any direction/guidance about Delta issues being assumed by another State agency or other entity?

Consider setting up a SUBCOMMITTEE.

Consider setting public hearings throughout the Delta.

[NOTE: NEW LEGISLATION MUST BE SUBMITTED NO LATER THAN JANUARY; A FINAL "PACKAGE" WOULD HAVE TO BE VOTED ON NO LATER THAN THE DECEMBER 14, 1995 MEETING.]

If a consensus is reached, need MOTION and SECOND; VOICE VOTE.

11. Adjourn.